



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



September 3, 2013

Richard J. Bruckner
Director

Vance Pomeroy
29319 121st Street East
Juniper Hills, CA 93543

**REGARDING: PROJECT NO. R2013-00838-(5)
CONDITIONAL USE PERMIT NO. 201300039
36809 EL CAMINO DRIVE, PALMDALE, CA 93551 (APN: 3054-019-903)**

Hearing Officer, Paul McCarthy, by his action of **September 3, 2013**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **September 17, 2013. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Anthony Curzi of the Zoning Permits North Section at (213) 974-6443, or by email at acurzi@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Susan Tae, AICP, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement

SMT:amc

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2013-00838-(5)
CONDITIONAL USE PERMIT NO. 201300039**

1. **ENTITLEMENT REQUESTED.** The applicant, AT&T Mobility, is requesting a Conditional Use Permit ("CUP") to authorize the construction, operation, and maintenance of a wireless telecommunication facility ("WTF") in the R-A-1 (Residential Agricultural – One Acre Minimum Required Lot Area) zone pursuant to County Code Section 22.20.440.
2. **HEARING DATE.** September 3, 2013.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly-noticed public hearing was held on September 3, 2013 before the Hearing Officer. Staff presented the case and recommended approval. The Hearing Officer asked that the opposition letter from neighboring property owners be read and staff read the letter into the record. The applicant's representative, Vance Pomeroy, testified in support of the CUP and answered the Hearing Officer's questions about cellular coverage and clarified that the WTF was necessary at the subject location. The Hearing Officer concurred with staff's recommendation and found that the WTF was necessary in the interest of public safety. The Hearing Officer closed the public hearing and approved the CUP.
4. **PROJECT DESCRIPTION.** The applicant, AT&T Mobility, is requesting authorization to construct, operate, and maintain an unmanned WTF, consisting of a 54-foot-tall monopine with 12 8-foot panel antennas, four each on three sectors. Twenty-four (24) RRUs (Remote Radio Units), eight per sector, will be placed behind the panel antennas. Also proposed are four surge suppressors on the monopine tower.

The monopine will be located within a 612-square-foot (34-foot-by-18-foot) ground lease area. In addition to the monopine, a 12-foot-by-11-foot, 5-inch equipment shelter with two GPS antennas will be located in the lease area. There will also be room in the lease area for a future generator. The WTF will be located approximately 80 feet west of an existing water tank. The property is surrounded by an existing chain-link fence topped with barbed wire. Access to the site is via a 12-foot-wide access driveway located off of El Camino Drive.
5. **LOCATION.** The project is located at 36809 El Camino Drive, Harold (unincorporated Palmdale), CA 93551 in the Fifth Supervisorial District and within the Palmdale Zoned District. The Assessor Parcel Number is 3054-019-903.
6. **SITE PLAN DESCRIPTION.** The site plan depicts the subject property with a 12-foot-wide access driveway from El Camino Drive with adequate room at the site for the parking of the maintenance vehicle. The subject parcel is irregularly shaped and most of the property is occupied by the Palmdale Water District's 2 million-

gallon water tank. The WTF will be located approximately 80 feet west of the water tank. An antenna layout plan depicts three 9-foot-wide sectors with four 8-foot panel antennas each. Behind the panel antennas are 24 RRUs, eight per sector. Four surge suppressors are depicted directly on the monopine tower. An equipment layout plan depicts a 12-foot-by-11-foot, 5-inch, equipment shelter with two GPS antennas. An area for a future generator is also depicted.

7. **EXISTING ZONING.** The subject property is zoned R-A-1.

Surrounding properties area zoned as follows:

North: R-A-1

South: O-S (Open Space)

East: R-A-1

West: O-S

8. **EXISTING LAND USES.** The subject property is developed with a 2 million-gallon water tank of the Palmdale Water District.

Surrounding properties area developed as follows:

North: Vacant land

South: Aqueduct, vacant land

East: Vacant land, Antelope Valley (SR-14) Freeway

West: Aqueduct, vacant land, single-family residences

9. **PREVIOUS CASES/ZONING HISTORY.** Ordinance 6260 established the R-A zone on the subject property on September 4, 1953.

10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the N2 (Non-Urban 2) land use category of the Antelope Valley Areawide General Plan ("Community Plan"). The N2 designation is intended for low density rural uses of up to one dwelling unit per acre. The WTF is a utility type of use and is, therefore, consistent with the permitted uses of the underlying land use category.

The following policy of the Los Angeles Countywide General Plan is applicable to the proposed project:

- *Public Services Policy 58: "Maintain high quality emergency response services."* WTFs provide cellular service to neighboring residents and motorists. Such service is often used to place emergency calls. The project will ensure that such service will continue to be available and will increase reliable coverage for AT&T users.

The following policies of the Community Plan are applicable to the proposed project:

- *Adequacy of Public Services Policy 29: "Encourage development of services to meet the needs of Antelope Valley residents including health, education, welfare, police and fire, governmental operations, recreation, cultural, and utility services. Such services should be expanded at a rate commensurate with population growth. Phasing of their implementation should be timed to prevent gaps in service as the area grows. Where feasible, service facilities will be established in central urban areas with branches located in outlying communities. When the population base in a community is too small to support a facility, a common facility to be shared by a number of small communities should be established at a central point."*

The proposed WTF is considered a utility use and will provide telecommunication services to residents and visitors of the Antelope Valley.

11. ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.

Pursuant to Section 22.20.450 of the County Code, establishments in the R-A zone are subject to the following development standards:

- Property in the R-A zone shall be subject to all development standards of the R-1 zone, including yard setbacks, vehicle storage, and area requirements.
The subject property meets all applicable development standards of the R-1 zone.

- 12. NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The proposed project is for the construction, operation, and maintenance of a WTF in a rural community. The project's relatively small size, remote location, and physical appearance results in a use that is compatible with the area. The proposed project does not impede the compliance of any development standard in the R-A zone. All required setbacks are met with the proposed project. The project is adequately sized to accommodate construction and maintenance vehicles for the WTF, as such the project will not overburden the area with traffic, nor will other public or private services be impacted by the project. Access to the project is via El Camino Drive, a private street. The project is well served by all applicable and necessary infrastructure, including roads, electricity, and telephone service.

- 13. WTF TOWER HEIGHT.** The project is located in the R-A zone, which defers to R-1 development standards with respect to height limits as indicated in the Subdivision & Ordinance Policy No. 01-2010 – Wireless Telecommunications Facilities. The proposed project proposes a WTF monopine tower height of 54 feet, which can be found to be compatible with the surrounding area, which is comprised of adjacent uses of the aqueduct, freeway, 2 million-gallon water tank of the Palmdale Water District, and vacant land. As the tower will be disguised as a pine tree, visual impacts are further reduced. The 54-foot height is necessary for the WTF to achieve effective signal coverage. Therefore, the WTF as proposed is appropriate at the proposed location.

- 14. COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** No comments were received.

15. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** No comments were received.
16. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
17. **PUBLIC COMMENTS.** A letter in opposition to the WTF was received.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

18. The proposed use is consistent with the adopted general plan for the area as it is in the N2 land use category of the Community Plan. The N2 land use category is intended for low-intensity and rural land uses. The proposed WTF is consistent with the land use designation because WTFs provide a necessary service, and the project will not introduce an intensive use to the area. The tower's concealment as a pine tree will further ensure that impacts to aesthetics resources are minimized.

Therefore, the proposed use will be consistent with the adopted general plan for the area.

19. The proposed use is one of low intensity and functions without creating nuisances to others. The WTF will be located in an area that is already disturbed and its design as a pine tree will cause it to better blend in with the surroundings.

Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

20. The subject site is approximately one acre and easily accommodates all required development standards.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

21. The proposed WTF will be accessible from El Camino Drive, a private street. All roads in the area are adequate to accommodate the anticipated traffic from the project's construction and operation. All necessary public and private services are proximate to the site.

Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of pedestrian, bicycle, and vehicle traffic such use would generate, and by other public or private service facilities as are required.

ENVIRONMENTAL DETERMINATION

22. The project is for the construction of a new WTF on a disturbed parcel containing a water tank. The project site is not in an area that is mapped as environmentally sensitive and there are no applicable exceptions to the categorical exemption.

Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

23. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to fifteen (15) years.
24. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of pedestrian,

bicycle, and vehicle traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the findings by the State Secretary of Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201300039 is approved subject to the attached conditions.

Action Date: September 3, 2013

SMT:amc
September 3, 2013

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-00838-(5)
CONDITIONAL USE PERMIT NO. 201300039**

PROJECT DESCRIPTION

The project is for the construction, operation, and maintenance of a new wireless telecommunication facility ("WTF") comprising a 54-foot-tall monopine with 12 8-foot panel antennas, 24 RRUs (Remote Radio Units), and two surge suppressors within a 612-square-foot lease area, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense,

including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on September 3, 2028.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The

permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works ("Public Works") to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (WTF)

19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
20. Upon completion of construction of the facility, the permittee shall submit to the Zoning Enforcement Section of Regional Planning upon request, written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.
21. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for WTFs in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
22. Any proposed WTF that will be co-locating on the proposed facility will be required to submit the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of Regional Planning.
23. All structures shall conform to the requirements of the Division of Building and Safety of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
24. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Antenna

lighting is prohibited. Beacon lights are prohibited unless required by the Federal Aviation Administration.

25. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A". Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be built as depicted in the photo simulations presented at the public hearing.
26. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.
27. The maximum height of the facility shall not exceed 54 feet above finished grade.
28. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of Regional Planning the name and contact information of the new service provider.
29. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
30. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
31. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.
32. The Regional Planning project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
33. The facility shall be secured by fencing, gates and/or locks.
34. Antennas shall be painted or covered to match their background (branches or trunk). The antennas shall not extend beyond the monotree branches or fronds. There shall be ample branch coverage to hide the antennas from view as effectively as possible. Faux bark cladding shall be provided from the ground to

five feet beyond where the faux branches begin; above the faux bark shall be flat non-reflective brown paint to match the bark.

35. Appurtenant equipment boxes shall be screened or camouflaged.

PROJECT SITE SPECIFIC CONDITIONS

36. This grant shall authorize the construction, operation, and maintenance of a new WTF, comprising a 54-foot-tall monopine with panel antennas, remote radio units, and surge suppressors. The facility also includes an equipment shelter with GPS antennas. A space within the ground lease area is also reserved for a future emergency generator.
37. At such time the applicant wishes to install the emergency diesel generator, the applicant shall contact the Los Angeles County Fire Department, Petro-Chemical Unit at (626) 369-0124 for approval of such generator.
38. Prior to Regional Planning's approval of the Exhibit "A," and forwarding of the Exhibit "A" to the Division of Building and Safety, the applicant shall submit evidence satisfactory to Regional Planning, including a copy of the recorded easement, that easement rights to the subject property have been secured by the applicant.